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PATENT  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---------------------------------------|---|--------------------------|
| In re Application of:                 | ) |                          |
|                                       | ) |                          |
| Takeshi TAGUCHI et al.                | ) | Confirmation No.: 7819   |
|                                       | ) |                          |
| Application No.: 10/579,241           | ) | Group Art Unit: 2877     |
|                                       | ) |                          |
| Filed: March 12, 2007                 | ) | Examiner: Kara E. Geisel |
|                                       | ) |                          |
| For: FLUORESCENCE MEASURING APPARATUS | ) |                          |

Commissioner for Patents  
U.S. Patent and Trademark Office  
Alexandria, VA 22314

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

A Japanese Office Action dated June 3, 2008, that issued in a Japanese patent application and having a document cited therein, is submitted for the Examiner's consideration.

As for relevance of the foreign language document, an English-language abstract is attached hereto for the foreign language document. In addition, the relevance of this foreign language document can be understood from its citation in the above-discussed Japanese Office Action dated June 3, 2008.

While the Japanese Office Action dated June 3, 2008 additionally cites to Japanese Patent Application Laid-Open No. 2002-071566 and Japanese Patent Application Laid-Open No. 2003-

052624, these documents are not listed on the attached PTO Form 1449 because they were previously cited in an Information Disclosure Statement in this application on May 12, 2006.

Applicants respectfully request that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "Prior Art." If it should be determined that the listed document does not constitute "Prior Art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**



Paul A. Fournier  
Reg. No. 41,023

By:

Dated: June 13, 2008

Customer No. 055694  
**DRINKER BIDDLE & REATH LLP**  
1500 K Street, N.W., Suite 1100  
Washington, D.C. 20005  
Tel: 202-842-8800  
Fax: 202-842-8645